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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,888	01/14/2000	Peter Joseph Hollands	0142-0309P	7631
2292	7590	07/28/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			HUFFMAN, JULIAN D	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2853	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/482,888	HOLLANDS ET AL.
	Examiner	Art Unit
	Julian D. Huffman	2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3 and 5-12 is/are pending in the application.
 - 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) Claim(s) 1,3,5,6 and 8-11 is/are allowed.
- 6) Claim(s) 12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 January 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Election/Restrictions

1. Claim 7 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Usui et al. (5,831,651).

Usui et al. disclose an ink jet printhead comprising:

a channel plate (20) provided with a plurality of ink channels (28) in at least one surface thereof;
actuators (26) respectively associated with each of the ink channels for pressurizing ink contained in the ink channels;

electrodes associated with each of the actuators for individually energizing the actuators (column 7, lines 12-22); and

a base member (14) made of a material different from that of the channel plate (column 4, lines 59-64), wherein an ink reservoir (50) and ink supply passages (fig. 3) are formed, said ink reservoir communicating with the ink channels via the ink supply passages (fig. 3).

In Usui et al. the base member 14 is made of a resin or metal and the pump unit 12 is made of a ceramic material. Element 14 is called a channel plate, but it functions as a reservoir which feeds ink upwards to channels 28. Element 20 which is referred to as the spacer plate is the ink channel plate since it is the plate which contains the fluid which is ejected by the piezoelectric elements.

Allowable Subject Matter

4. Claims 1, 3, 5, 6, 8-11 are allowed.

With regards to claims 1, 3, 5 and 6, the Sugitani et al. reference does not disclose the flexible sheet. Usui et al. disclose a flexible sheet and the base member and channel plate being formed of different materials, however in Usui et al. the channel plate is not held in butting engagement with the base member since the two plates do not contact one another.

The prior art of record does not disclose the combination of a flexible sheet covering a channel plate which is held in butting engagement with a base member which has a reservoir and ink channels, wherein the channel plate and base member are made of different materials.

With regards to claim 11, the Matsumoto et al. reference discloses a channel plate which is deformed to eject ink and which functions as an integrated channel plate and actuator. The examiner had maintained that the electrodes of Matsumoto et al. are actuators, with the amendment applicant has added the limitation of the electrodes. Matsumoto et al. do not disclose an actuator, electrodes and a channel plate.

With regards to claims 8-10, the graphite base member as claimed in the combination is not found in the prior art of record.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2853

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571)272-2147. The examiner can generally be reached Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, can be reached at (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JH

JP

July 21, 2004

Thinh Nguyen
Primary Examiner
Technology Center 2800